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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/462,682	
	Filing Date	April 28, 2000	
	First Named Inventor	FitzGerald, David J.	
	Group Art Unit	1645	
	Examiner Name	Portner, Virginia	
Total Number of Pages in This Submission	1	Attorney Docket Number	015280310100

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
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Firm and Individual name	Townsend and Townsend and Crew LLP Kenneth A. Weber Reg No. 31,677
Signature	
Date	September 28, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FITZGERALD, David J.

Application No.: 09/462,682

Filed: April 28, 2000

For: PSEUDOMONAS EXOTOXIN A-
LIKE CHIMERIC IMMUNOGENS

Examiner: Portner, Virginia

Art Unit: 1645

RESPONSE TO RESTRICTION
REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Madam:

In response to the office action mailed August 6, 2001, requesting restriction under 35 U.S.C. 121 and 372, Applicant elects Group I. Applicant further elects the species wherein the cell recognition domain is the PE domain and the non-native epitope comprises a cysteine-cysteine loop that comprises the non-native epitope. The following claims read on the elected species: 1-4, 7-18, and 24-38.

The Examiner suggests in paragraph 2, that each species lacks unity with other species. Applicant disagrees that all species are distinct from each other. For example, a common structure in many species is the non-native epitope domain, wherein a non-native epitope is located between two cysteine residues resulting in a loop structure of the non-native epitope within the chimeric immunogen. The following species share

Handwritten notes: \$10, Harry, Oct. 20, 2001

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the cysteine-cysteine loop as a common structural feature: the cysteine-cysteine loop, SEQ ID NO 3, SEQ ID NO 4, V3 loop of gp120 of HIV-1, V3 loop of gp120 of HIV-1 (≥ 8 a.a.), V3 domain of HIV-1, ntPE-V3MN14, and ntPE-V3MN26. In addition, the species share other common structural features such as the translocation domain and the endoplasmic reticulum retention domain.

Applicant requests an interview with the Examiner, after allowable subject matter is identified, to discuss an appropriate scope of the claims.

Respectfully submitted,



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